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United States  
Department of  
Agriculture

Forest  
Service

Southwestern  
Region

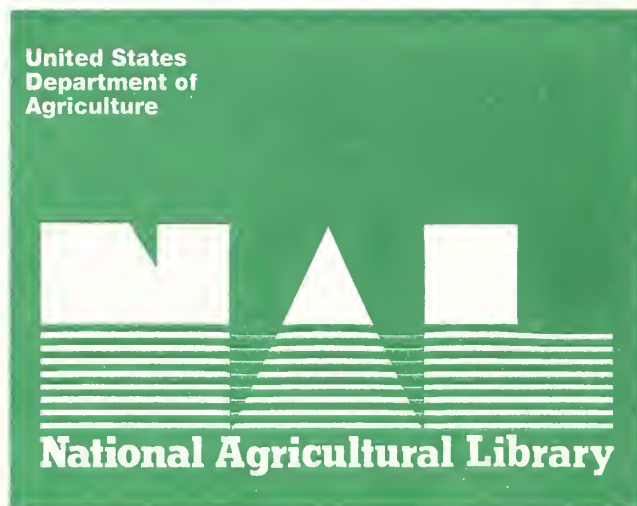
MB-R3-16-6



# Record of Decision for Amendment of Forest Plans

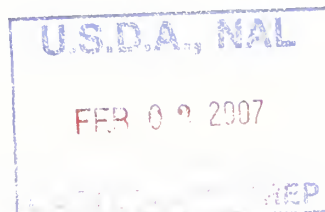
## Arizona and New Mexico





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## Background

The Forest Service, Southwestern Region, prepared a "Supplement to the Final Environmental Impact Statement for Amendment of Forest Plans in Arizona and New Mexico" to disclose, review, and assess scientific arguments challenging the Agency's conclusions over the northern goshawk's habitat preferences. The supplement updates the final environmental impact statement (FEIS) which amended the eleven forest plans in the region for northern goshawk, Mexican spotted owl, and old-growth standards and guidelines in June 1996. The FEIS includes guidelines for management of habitat for the Mexican spotted owl and northern goshawk. The original Notice of Intent to prepare an environmental impact statement (NOI) for the plan amendment was published in the Federal Register on June 24, 1992 (57 FR 28171). The original FEIS was noticed for availability in the Federal Register on November 3, 1995 (60 FR 55841) and its Record of Decision was signed June 5, 1996.

The supplement to the FEIS was prepared in accordance with an opinion filed November 18, 2003, by the Ninth Circuit Court of Appeals (CV-00-01711-RCB) which held that the FEIS failed to disclose responsible scientific opposition that was addressed in the project record.

The supplement addresses the issue of scientific arguments over the northern goshawk's habitat preference and updates the "FEIS for Amendment of National Forest Management Plans in the Southwestern Region." The FEIS includes guidelines for management of habitat for the Mexican spotted owl and northern goshawk. Copies of the original FEIS, Record of Decision, as well as the supplement are available on the World Wide Web at <http://www.fs.fed.us/r3/projects/index.shtml>.

## Decision

My decision is to implement Alternative G, as described in the "Final Environmental Impact Statement for Amendment of Forest Plans" (November 1995). This decision is a continuation of current forest plan direction related to the northern goshawk, Mexican spotted owl, and old-growth that has been in effect since the June 5, 1996, Record of Decision. The scope of this decision includes all 11 Southwestern Region national forests in Arizona and New Mexico. This decision is not applicable to any forests outside the Southwestern Region.

This decision is considered to have a short-term (5 to 10 years) lifespan. Each of the region's forest plans in Arizona is scheduled to be under revision by 2006. Each of the region's forest plans in New Mexico is scheduled to be under revision by 2007.

Alternative G was developed to respond to the "Mexican Spotted Owl Recovery Plan." It was developed in collaboration with the Fish and Wildlife Service (including a recovery team member). Standards and guidelines for the northern goshawk were developed in early May 1995. Since that time, the standards and guidelines have been peer reviewed several times, and considered all known information from the Goshawk Interagency Implementation Team recommendations, the joint Arizona Game and Fish Department and New Mexico Department of Game and Fish letter that responded to the draft EIS, and experience gained during implementation of the interim direction prior to the 1996 Record of Decision, as well as current science on the northern goshawk. The specific language for standards and guidelines associated with this alternative are displayed in Appendix C of the 1996 Record of Decision. This decision document is available on the World Wide Web at <http://www.fs.fed.us/r3/projects/index.shtml>.



As new information becomes available during implementation, the standards and guidelines (Alternative G) will be reviewed for adjustment through amendment or revision of forest plans.

## **Rationale for Decision**

### **Alternative G**

I have chosen Alternative G, as under this alternative, the standards and guidelines for managing across the landscape represent an ecosystem management approach. The approach used for managing northern goshawk habitat areas provides for many wildlife species, as well as timber and forage production. As a result and as appropriate, the standards and guidelines for ecosystem management in goshawk habitat areas are not focused on any single species or element. This management approach brings together information on habitat used by goshawks, habitat used by their principle prey species, and forest dynamics, especially in ponderosa pine ecosystems. Thus, Alternative G is a systems-based approach that provides for both goshawks and the faunal community that supports them, all within constraints imposed by the dominant vegetation comprising a forest type.

Alternative G incorporates the needs of the Mexican spotted owl and northern goshawk. The science used to determine these needs are contained in two publications, "Mexican Spotted Owl Recovery Plan" and "Management Recommendations for the Northern Goshawk in the Southwestern United States" (GTR RM-217, 1992). Both publications endorse the concept of managing at ecosystem scales. They also endorse and incorporate the recommendations for a long-term approach to managing the northern goshawk.

### **Review and Assessment of Goshawk Related Literature**

Together with the "Management Recommendations for the Northern Goshawk" (MRNG; Reynolds et al. 1992, General Technical Report RM-217), the original "Environmental Impact Statement for Amendment of Forest Plans," and this "Supplement to the Final Environmental Impact Statement for Amendment of Forest Plans," the Agency has reviewed over 450 northern goshawk related materials that include peer-reviewed scientific papers, published journal articles, masters' theses, unpublished non-peer-reviewed scientific papers, correspondence, and alternative views and scientific perspectives (see goshawk bibliography, Project Record 140). In addition, many of the reviewed materials are based on literature references not specifically listed in the references sections of the above Agency documents.

The Agency continues to review and assess northern goshawk related literature as it becomes available. Based on this indepth review, discussion, and disclosure of available literature the Agency has remedied the Ninth Circuit Court's determination to disclose the scientific debate in the FEIS and provide for an informed decision on management of forests within the Southwestern Region, and in particular, maintenance and management of northern goshawk habitat.

### **Continued Debate and Need for Management of Ecosystems**

The debate over the amount and extent of old growth or whether the northern goshawk is an old-growth obligate surrounded the original 1996 Record of Decision, lasted throughout the ensuing years, continued through the development of the supplement to the FEIS, and will likely continue beyond this decision. Yet, most biologists can agree on managing northern goshawk habitat at three spatial scales: the nest, the nest stand, and the foraging area. As the debate continues, the

Agency is and must move forward managing the national forest using ecosystems management principles and the latest scientific knowledge on the northern goshawk. As it becomes available, the Agency will continually review current scientific literature on the subject.

After reviewing goshawk related literature and looking at the scientific debate, I see no other management scenario that drives another reasonable and feasible alternative to management for the northern goshawk. None of the available scientific information directly answers the question of how much old forest is needed in goshawk foraging areas and how should it be distributed. The MRNG represents a reasonable interpretation of that literature based on an extensive review of that scientific literature. While recognizing the importance of mature and old forest to goshawks and many of their prey, the actual recommended amount of mature and old forests in the MRNG was determined by the growth dynamics of forests.

Recommendations in the MRNG were based on a synthesis of the following studies of: (1) knowledge of the life history, ecology, behavior, and diets of goshawks; (2) vegetative composition of sites at which goshawks were actually detected during foraging activities; and (3) the natural history and habitat of 14 important goshawk prey species.

In the 13 years since the MRNG has been released, and following numerous reviews of the management guidelines it contains, no prevailing body of science has been presented that would warrant changes to the management approach it describes. It is prudent for the Agency to continue management using the science the MRNG contains which has withstood the test of time and has been verified through field tests on the North Kaibab Plateau over the past 13 years.

The management approach in Alternative G would result in large-scale forest composition and structure that is consistent with our knowledge of the historical range of variability of the forests in the Southwest. Such forest structure could be reliably sustained over time.

## **USFWS 12-Month Petition Review**

In 1998, the U.S. Fish and Wildlife Service (USFWS), following a 12-month review of all available scientific and commercial information, found that listing the northern goshawk population in the contiguous United States west of the 100<sup>th</sup> meridian was not warranted. The USFWS based its conclusion, in part, on a lack of evidence to conclude that the goshawk population is declining in the western United States, that habitat is limiting the overall population, that there are any significant areas of extirpation, or that a significant curtailment of the species' habitat or range is occurring.

In a reversal of the 1992 USFWS view that the northern goshawk was a habitat specialist, neither the USFWS petition nor other information available to the USFWS supported the contention that the northern goshawk is dependent on large, unbroken tracts of old-growth and mature forest or that declines in such forests were placing the species in danger of extinction.

## **Data Quality Act Petition**

In 2003, a petition was filed under the United States Department of Agriculture (USDA) Information Quality Act Guidelines and Data Quality Act (DQA) (Public Law 106-554 §515) on behalf of four requesters to correct information disseminated by the USDA Forest Service, namely the "Management Recommendations for the Northern Goshawk in the Southwestern United States" (MRNG). The petition alleged multiple information quality violations and errors in the MRNG and attempted to display the errors and violations were of such significance and

magnitude that corrections alone were not adequate, and withdrawal was the only appropriate remedy. Following a review of the information challenged in the request (petition), the Agency found no significant errors requiring substantive changes to the MRNG.

A Request for Reconsideration of the petition was filed under USDA DQA on behalf of the same four requesters. The request primarily addressed perceived procedural errors in the review process, with additional comment on the topics displayed in the original petition. A USDA convened panel reviewed the Request for Reconsideration. Following careful examination and thoughtful review by an impartial panel, the panel affirmed the Forest Service response and found no compelling evidence to support retraction or amendment of the original Agency response. The panel found that the MRNG was the product of extensive peer review in the scientific community qualified to produce the specified data and recommendations.

The review found no new information was presented within the DQA petition that had not been already integrated into the discussion. The review panel found, and documented in its January 8, 2004, correspondence that the “request was developed as a surrogate ‘peer comment’ on the overall document.” The panel continued by stating “The request was also based upon a directed policy outcome rather than identifying a clear informational deficiency.” Subsequent review of literature used in this supplement verified that no new information was displayed in the petition that has not already been integrated herein.

## **Decision Summary**

It is my decision to continue the existing management guidelines for the northern goshawk, Mexican spotted owl, and old growth within the Southwestern Region put forth in Alternative G. I based this decision on the extensive level of scientific integrity and intense peer review and scrutiny identified above. The Agency expects the debate over the northern goshawk’s habitat preferences will continue and, as such, the Agency will continue to assess and review new science as it becomes available. The Agency will continue to gather data to further the understanding of the northern goshawks habitat needs. The MRNG remains the best way to ensure population survival of the northern goshawk and meet the needs and habitat requirements of other species on the national forests of Arizona and New Mexico, including the Mexican spotted owl.

## **Environmentally Preferred Alternative**

The environmentally preferred alternative is the alternative that best meets the goals of Section 101 of the National Environmental Policy Act and is required by 40 CFR 1505.2(b) to be identified in a record of decision. Ordinarily, this is the alternative that causes the least damage to the biological and physical environment and best preserves and enhances historical, cultural and natural resources.

In the short run (less than 5 years), the environmental differences between all the alternatives considered in detail in the FEIS would hardly be detectable in a programmatic region-wide context. However, long-term consequences between alternatives are quite different.

When considering the entire forested ecosystem, Alternative E would be defined as the environmentally preferred alternative. Alternative E has the lowest risk of epidemic insect and disease infections, has the lowest risk to catastrophic fire losses, provides the best balance of vegetation structural stage distribution, is most likely to sustain aspen in the long term, and most likely would provide better habitat for forage-using wildlife species.



When considering other environmental factors, Alternative G also has environmentally preferable attributes. Alternative G provides better habitat conditions for the Mexican spotted owl and northern goshawk than Alternative E. Alternative G is consistent with the “Mexican Spotted Owl Recovery Plan” objectives, while Alternative E is not. Additionally, Alternative G, based on the MRNG, has been shown through an extensive review, assessment and disclosure of scientific arguments over the northern goshawk’s habitat preferences to be within the scope of the latest science of the northern goshawk.

Alternative G also provides utilization standards for grazing animals throughout all ecosystems in the Southwestern Region and provides a more uniform approach to old-growth management within the region.

When managing the resources of the national forests there is never a single, clear choice between alternatives. Each alternative has its positive side and its negative side. My purpose in conducting this amendment process was the recognition that the Mexican spotted owl and northern goshawk needed a higher level of protection than was contained in forest plans prior to the June 5, 1996, Record of Decision. After reconsideration of this management direction in 2006, I conclude that this higher level of protection is still warranted for the Mexican spotted owl and northern goshawk. While there are several environmental advantages afforded by Alternative E, I feel Alternative G best meets the purpose and need for this action.

## **Other Alternatives Considered**

Six alternatives, labeled A, C, D, E, F, and G, are displayed in detail in the FEIS. Each alternative represents a different way to incorporate programmatic management guidance into project implementation, a different emphasis on management tools used and/or a different set of specific management direction (e.g., different wording for standards and guidelines). For specific details on how the standards and guidelines would vary by alternative, review Appendix E of the FEIS. A brief comparison of alternatives is found in Table 1 of this decision.

### **Alternative A**

Alternative A is the “No Action Alternative” required by the National Environmental Policy Act (NEPA) regulations (40 CFR Part 1502.14(d)). This alternative provides a baseline for comparing the other “action” alternatives. It does not meet the purpose of and need for action. In the context of the programmatic environmental impact statement, Alternative A would resume forest plan direction for Mexican spotted owl and northern goshawk management prior to the June 5, 1996, Record of Decision. Consultation related to the Mexican spotted owl would be sought on any and all forest management activities deemed to “may affect” the owl. Existing direction for the two birds would be removed from forest plans until they are revised beginning in 2006 and ending in about 2010. Old growth allocation would still vary from forest to forest. Even-aged management would be the emphasized silvicultural tool. Steep slopes (slopes 40+ percent) harvested solely for timber production purposes would still be a possible activity on the Apache-Sitgreaves, Gila, Lincoln, and Santa Fe National Forests, but not on any of the other forests.

### **Alternative C**

Alternative C would incorporate Mexican spotted owl and northern goshawk management direction into forest plans through the forest plan amendment process described in the National

Forest Management Act regulations (36 CFR 219). Old-growth standards and guidelines would be the same for every national forest in the Southwestern Region. The specific areas for old growth allocation (20 percent) within each management area and old growth block size would be determined during the site-specific integrated resource management analysis conducted for specific projects. Uneven-aged silviculture would be emphasized over other methods. Mexican spotted owl guidance would follow the direction stated in Interim Directive 2 plus dispersal habitat considerations. Northern goshawk guidance would be very similar to that which is presented in the report, "Management Recommendations for the Northern Goshawk in the Southwestern U.S." (RM-217).

## **Alternative D**

This alternative is patterned after DEIS comments submitted jointly by the Arizona Game and Fish Department and New Mexico Department of Game and Fish. The standards and guidelines for northern goshawk management are a verbatim rendition from their comment letter. The input depicted in this alternative is a variation from the recommendations developed by the Goshawk Interagency Implementation Team and from information depicted in the report, "Management Recommendations for the Northern Goshawk in the Southwestern U.S." (RM 217). Alternative D is exactly like Alternative G with respect to Mexican spotted owl management guidance and silvicultural emphasis. Steep slope logging would be allowed for reasons other than timber production.

## **Alternative E**

This alternative is patterned after scoping comments received from Applied Ecosystems, Inc. Mexican spotted owl standards and guidelines generally follow Interim Directive 2 like Alternative C, but define smaller core and territory acreages (core areas 300 to 400 acres; territories 750 to 950 acres). The northern goshawk standards and guidelines are similar to those in Alternative C, except there is less acreage with trees over 12" d.b.h. and reduced canopy cover percents in the nonnest portion of the territory. Old growth would be allocated as 10 percent of the area with no specific minimum block size defined. Steep slope logging would be allowed for reasons other than timber production. Alternative E also includes the addition of standards and guidelines to guide ecosystem planning, to address forest health concerns, and to guide implementation of other standards and guidelines.

## **Alternative F**

This alternative is an example of an ecosystem approach to management for the Mexican spotted owl. This alternative is like Alternative C except that a demonstration area would be established on the Apache-Sitgreaves National Forests to test an adaptive ecosystem approach to management of the mixed-conifer type (i.e., primary Mexican spotted owl habitat). This demonstration area stratifies the mixed conifer type into six ecological zones. Management emphasis for each zone would be in accordance with prescribed standards and guidelines to manage for specific vegetation desired condition in the mixed-conifer rather than the Mexican spotted owl guidelines depicted in Alternative C. For all other areas of the region (including non-mixed-conifer zones on the Apache-Sitgreaves National Forests), all standards and guidelines as depicted in Alternative C would be implemented in this alternative. This alternative would still rely on the integrated resource management process to make the site specific project design decisions.

## Alternative G

This alternative was developed to respond to the “Mexican Spotted Owl Recovery Plan” (see FEIS Chapter 4 for standard and guideline development team members). Standards and guidelines for the northern goshawk were developed in early May 1995, and considered all known information from the Goshawk interagency implementation team recommendations, the joint Arizona Game and Fish Department and New Mexico Department of Game and Fish letter that responded to the draft, and experience gained during implementation of the interim direction. Old-growth standards and guidelines would be the same for every national forest in the Southwestern Region. The specific areas for old growth allocation (20 percent) within each management area and old growth block size would be determined during the site specific integrated resource management analysis conducted for specific projects. Uneven-aged silviculture would be emphasized over other methods.

**Table 1. Comparison of Basis for Development of Alternatives**

Alternative	Alternative Development Criteria
A	No Action Alternative – Required under the National Environmental Policy Act: Reflects resource management direction in forest plans that existed prior to Forest Service adoption of special interim management guidelines for the Mexican spotted owl and northern goshawk.
B	Initial Scoping Proposed Action – Dropped from detailed study.
C	DEIS Proposed Action (Modification of Alternative B – Initial Scoping Proposed Action): Mexican spotted owl guidance would follow direction stated in Interim Directive 2 (June 1990, FSM 2676) plus dispersal habitat considerations. Northern goshawk guidance would be very similar to the “Management Recommendations for the Northern Goshawk in the Southwestern United States” (MRNG) (RM-217).
D	Adjusted Goshawk Interagency Implementation Team Recommendations - Reflects comments received from Arizona and New Mexico state game agencies. Northern goshawk standards and guidelines are verbatim from jointly submitted DEIS comment letter and replace input previously supplied from the Goshawk interagency implementation team. The Mexican spotted owl standards and guidelines were adjusted to reflect information in the “Mexican Spotted Owl Recovery Plan.”
E	Applied Ecosystems, Inc. Suggestions - Mexican spotted owl standards and guidelines generally follow Interim Directive 2 (June 1990, FSM 2676). Northern goshawk standards and guidelines are similar to those in Alternative C.
F	Apache-Sitgreaves National Forests Suggestions - Mexican spotted owl guidance would follow direction stated in Interim Directive 2 (June 1990, FSM 2676) plus have a demonstration area on the Apache-Sitgreaves National Forests. Northern goshawk guidance would be very similar to the MRNG (RM-217).
G	Mexican Spotted Owl Recovery Plan Integration Alternative - Developed to respond to the “Mexican Spotted Owl Recovery Plan.” Standards and guidelines for the northern goshawk were developed in early May 1995, and considered all known information from the Goshawk interagency implementation team recommendations, the joint Arizona and New Mexico Game agencies letter that responded to the DEIS, and experience gained during implementation of the interim direction.



## **Alternatives Considered but Eliminated from Detailed Study**

The original proposed action (Alternative B) depicted in the original scoping document was dropped from detailed study. The many commentors to scoping, both internal and external to the Agency, suggested wording changes that helped clarify the intent of the amendment. The changes are minor and have been incorporated in Alternative C. The expected environmental effects of Alternative B would not be any different from those expected for Alternative C. Alternative C has been carried forward as an alternative discussed in detail.

One other alternative was proposed during the comment period on the draft supplement to the final environmental impact statement. This alternative proposed a diameter limit on the size of trees that can be removed. This "diameter cap" alternative was reviewed and discussed in the comment period responses. The Agency has concluded, based on its analysis, that such an alternative was not reasonable and feasible.

## **Public Involvement**

Public involvement activities associated with and leading up to the June 5, 1996, "Record of Decision for Amendment of Forest Plans" is detailed within the Record of Decision. Copies of the original FEIS and Record of Decision are available on the World Wide Web at <http://www.fs.fed.us/r3/projects/index.shtml>.

A Notice of Intent to prepare a supplement to the "Final Environmental Impact Statement for Amendment of National Forest Management Plans" was published in the Federal Register (69 FR 4920) on February 2, 2004. The posting noticed the intent of the Agency to prepare the supplement to the FEIS and set the scope of that supplement.

On February 19, 2004, a letter mailed to about 1,900 individuals, organizations, state and Federal agencies, local governments and Indian tribes, acknowledged the intent to prepare the supplement and requested notification of continued interest in the amendment. About 70 e-mail and returned hardcopy letters were received which requested continued involvement in the amendment. In addition, 30 phone calls were received. Together with state and Federal agencies, local governments and Indian tribes, over 190 copies of the "Draft Supplement to the Final Environmental Impact Statement for Amendment of Forest Plans in Arizona and New Mexico" were mailed.

On October 1, 2004, the Environmental Protection Agency issued a Notice of Availability in the Federal Register (FR59, 58911) of the Forest Service's "Draft Supplement to the Final Environmental Impact Statement for Amendment of Forest Plans in Arizona and New Mexico." This Notice of Availability initiated a 45-day public comment period on the draft supplement. The comment period ended on November 15, 2004. The Forest Service received a total of 11 comment letters, including additional literature on the northern goshawk.

The "Final Supplement to the Final Environmental Impact Statement for Amendment of Forest Plans in Arizona and New Mexico" was mailed out to the 190 individuals, organizations, state and Federal agencies, local governments, Indian tribes and to those individuals that requested to remain involved throughout the process.



## **Findings Required by Other Laws and Regulations**

The planning and decisionmaking process for this project were conducted in accordance with all applicable laws, regulations, policies and plans. This section briefly describes our findings regarding the legal requirements most relevant to this project decision. This decision is programmatic in nature. Thus it has no site-specific environmental impacts on the human environment and therefore complies with:

- Executive Order 11990 (Protection of Wetlands)
- Executive Order 13186 (Protection of Migratory Birds)
- Multiple Use-Sustained Yield Act of 1960, Forest and Rangeland Renewable Resources Planning Act of 1974, Federal Land Policy and Management Act of 1976
- Executive Order 12898 (Environmental Justice)
- National Historic Preservation Act (NHPA) of 1966 (as amended); the Archeological Resource Protection Act of 1979; the American Indian Religious Freedom Act of 1978
- National Forest Management Act of 1976 (NFMA)
- Clean Water Act, Section 404 of 1977 (as amended)
- Clear Air Act of 1970 (as amended)

## **National Environmental Policy Act of 1969 (NEPA)**

This decision conforms to the National Environmental Policy Act of 1969, utilizing a systematic, interdisciplinary approach in planning and decisionmaking which may have an impact on man's environment.

## **Endangered Species Act of 1973 (ESA) and All Amendments**

In February 2003, the Forest Service and FWS began discussions about the continued relevance of the existing forest plan consultations. In early April 2003, the Forest Service reinitiated consultation on the 11 forest plans and the 1996 region-wide LRMP amendment.

On June 2, 2003, the Forest Service and USFWS completed a consultation agreement for the 2003 Regional Forest Plan Consultation. On June 4, 2003, the USFWS concurred with the list of species to be considered in the consultation. The Forest Service completed a biological assessment on the continued implementation of the 11 national forest forest plans as amended on April 8, 2004. On June 10, 2005, the FWS completed the programmatic biological and conference opinion on the continued implementation of the 11 national forest forest plans, as amended.

The selected alternative (decision) is to implement Alternative G, as described in the "Final Environmental Impact Statement for Amendment of Forest Plans" (November 1995) and the "Final Supplement to the Final Environmental Impact Statement for Amendment of Forest Plans in Arizona and New Mexico." This decision is, in effect, a continuation of current forest plan direction related to the northern goshawk, Mexican spotted owl, old growth, and grazing. The scope of this decision includes all 11 Southwestern Region national forests in Arizona and New Mexico. This decision is considered to have a short-term (5 to 10 years) lifespan. Each of the region's forest plans are scheduled to begin revision between 2005 and 2007.

Alternative G was developed to respond to the “Mexican Spotted Owl Recovery Plan.” It was developed in collaboration with the U.S. Fish and Wildlife Service (including a recovery team member). Standards and guidelines for the northern goshawk were developed in early May 1995, and considered all known information from the Goshawk interagency implementation team recommendations, the joint Arizona Game and Fish Department and New Mexico Department of Game and Fish letter that responded to the draft, and experience gained during implementation of the interim direction.

We have assessed the need for section 7 consultation on the current EIS/ROD for the northern goshawk and concluded that the current section 7 consultation that applies to the 11 national forest land and resource management plans and the regional amendment of June 5, 1996, are unaffected by and provide section 7 coverage for the current northern goshawk EIS/ROD.

On July 15, 2005, we sent a letter to the U.S. Fish and Wildlife Service requesting validation of our section 7 assessment. On September 1, 2005, we received a reply to our request validating our assessment of the need for section 7 review of the northern goshawk EIS, “We agree that selecting Alternative G results in no change in management direction for all land and resource management plans for all 11 national forests and grasslands in the Southwestern Region. Further, we also agree with your assessment that section 7 consultation is not needed on the Supplemental Final EIS because the affects to listed species from Alternative G (i.e. 1996 regional plan amendments) have already been addressed in the Service’s recent June 10, 2005, Biological Opinion.”

## **Implementation**

Implementation of this decision may occur on, but not before, 7 calendar days from the publication of the legal notice of this decision (36 CFR 217.10) in the Albuquerque Journal and the Arizona Republic. No site-specific project decisions are made in this document.

## **Administrative Review or Appeal Opportunities**

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 217.3. The written notice of appeal must be filed in duplicate with the appeals deciding officer within 45 days from the publication date of the legal notice in the Albuquerque Journal and the Arizona Republic, the newspapers of record. The publication date in said newspapers of record, is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source. Send appeals to:

Appeal Deciding Officer, USDA Forest Service, EMC  
1400 Independence Avenue, SW; Mailstop 1104  
Washington, DC 20250-1104 (regular mail), or

Federal Express and hand-delivery at:  
USDA Forest Service, Ecosystem Management Coordination  
201 14<sup>th</sup> Street, SW, 3<sup>rd</sup> Floor, Central Wing  
Washington, DC 20024.

The business hours for those submitting hand-delivered appeals are: 7:00 a.m. to 5:00 p.m. eastern time, Monday through Friday, excluding holidays. An electronic appeal must be submitted in a format such as an e-mail message, plain text (.txt), rich text format (.rtf), and Word (.doc) to *appeals-chief@fs.fed.us*. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

The notice of appeal must include sufficient narrative evidence and argument to show why this decision should be changed or reversed. Requests to stay the approval of this region-wide amendment of forest plans will not be granted (36 CFR 217.10(b)). A Notice of Appeal must meet the requirements of 36 CFR 217.9, as listed below:

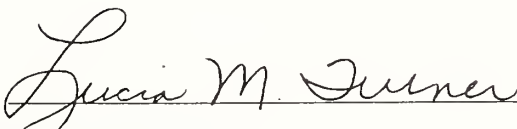
- State that the document is a Notice of Appeal filed pursuant to 36 CFR 217;
- List the name, address, and telephone number of the appellant;
- Identify the decision about which the appellant objects;
- Identify the document in which the decision is contained by title and subject, date of the decision, and the name and title of the deciding officer;
- Identify specifically that portion of the decision or decision document to which the appellant objects;
- State the reasons for objecting, including issues of fact, law, regulation, or policy, and, if applicable,
  - Specifically how the decision violates law, regulation, or policy; and
  - Identify the specific changes in the decision that the appellant seeks.

If an appeal is filed, for 20 days following the filing of the notice of appeal, the appeal reviewing officer will accept requests to intervene from any interested or potentially affected person or organization. Intervention will be allowed pursuant to 36 CFR 217.14.

### Contact Person

For additional information concerning this decision or the "Supplement to the Final Environmental Impact Statement for Amendment of Forest Plans," contact:

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